

Notice of Allowability

Application No.

10/657,696

Examiner

Robert G. Santos

Applicant(s)

MENKEDICK ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 10 July 2007 and the telephonic interview held on 23 July 2007.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

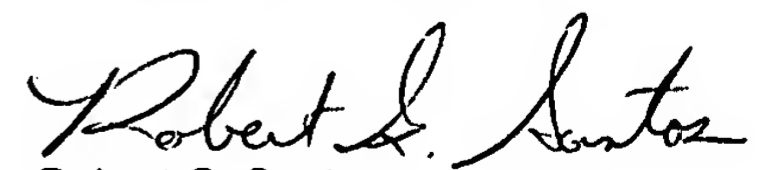
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070723.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Robert G. Santos
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard B. Lazarus on July 23, 2007.

The application has been amended as follows:

- 1) In claim 9, line 9: The phrase "configured to couple" has been changed to the term --coupling--.
- 2) In claim 16, line 4: The phrase --having an end connected to the base frame and another end connected to the intermediate frame and-- has been inserted after the term "mechanism".
- 3) In claim 16, line 8: The phrase --in a portion of the interior region located-- has been inserted after the term "positioned".
- 4) In claim 18, lines 2 & 3: The term "is" has been changed to --are--.
- 5) Claims 51-107 have been cancelled.

2. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to

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teach or suggest the use of a patient support comprising the particular structural configuration and interconnection between the base frame, intermediate frame, first and second pairs of lift arms, and first and second cross members, further wherein a distance between the first and second cross member *increases* during movement of the intermediate frame between first and second positions, and wherein the intermediate frame is *positionable between the first and second cross members when the intermediate frame is in the second position*, as explicitly recited in Applicants' independent claim 1. Moreover, the examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a patient support comprising the particular structural configuration and interconnection between the base frame, intermediate frame and lift mechanism in combination with transverse step members *coupling the intermediate frame to a weigh frame* and with the lift mechanism having *an end connected to the base frame and another end connected to the intermediate frame* and being *positioned in a portion of the interior region located between the intermediate frame and the base frame when the intermediate frame is in the lowered position*, as respectively recited in independent claims 9 and 16. With further regards to claim 9, the examiner respectfully states that the closest prior art (U.S. Pat. No. 4,586,492 to Manahan) clearly teaches against coupling the intermediate frame disclosed in the reference to a weigh frame since the intermediate frame of Manahan '492 is designed to oscillate while a conventional weigh frame is intended to remain horizontal with no twisting of an underlying support frame in order to obtain an accurate reading of a patient. With further regards to claim 16, the examiner respectfully asserts that Manahan '492 simply does not illustrate the use of a lift mechanism having the specific interconnection and placement within the interior region located between the intermediate frame and the base

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frame as claimed by Applicants. Given that the amendment filed June 1, 2006 was not entered because it was directed to an invention that is independent or distinct from the invention originally claimed and that claims 51-107 were cancelled and are thereby subject to the filing of a divisional application, the examiner respectfully maintains that only claims 1-22 are currently pending in the application (with claims 1, 9 and 16 being the only independent claims). Lastly, since an updated search and further consultation regarding the claims did not yield any other references pertinent to Applicants' claims, it is considered that the application is presently in full and proper condition for allowance.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
July 23, 2007